

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78701 of 2024

Arising Out of PS. Case No.-153 Year-2016 Thana- DHAMDAHA District- Purnia

=====

Santosh Tuddu @ Santosh Kumar Tudu S/O Babulal Tuddu Resident of
Village - Sukhsena, Santhali Tola, P.S - Barhara Kothi, Dist.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 01-05-2025 Heard learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with

Dhamdaha P.S. Case No. 153 of 2016 registered for the

offences punishable under Sections 366A and 34 of the

I.P.C.

3. As per the prosecution case, on the written

complaint made by one Shanti Devi, it was alleged that five

named accused persons, including this petitioner, on

01.08.2016, enticed her minor niece and the petitioner was

alleged to have taken away the niece of the informant and

her whereabouts were not known to the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and there is an inordinate delay in lodging of the F.I.R., and the victim was subsequently recovered and she had in her statement under Section 164 Cr.P.C., disclosed that the petitioner had enticed her; however, she had not alleged any sexual assault by the petitioner. He next submits that the petitioner and the said victim girl had married on 05.08.2016, and there is an affidavit sworn by both the victim girl and the petitioner, which has been brought on record by way of Annexure-P/3.

5. Learned counsel for the petitioner further submits that the charge sheet had already been submitted and the petitioner is ready to assist in the trial of the case, he has clean antecedent and he is in custody since 25.07.2024.

6. Learned APP has vehemently opposed the prayer for bail and states that the case is of the year 2016 and the petitioner had absconded for six long years and then had moved for anticipatory bail in the year 2022 and thus does not deserve the privilege of bail on this count alone.

7. Considering the aforesaid facts and circumstances of the case and also taking into account the fact that the victim girl in her 164 statement of the Cr.P.C. has not alleged about any sexual assault committed by the petitioner as well as the fact that the petitioner is in custody since 25.07.2024 and there is a presumption that the petitioner and the victim girl had married, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned A.C.J.M.-IVth, Purnea, in connection with Dhamdaha P.S. Case No. 153 of 2016.

(Sourendra Pandey, J)

aditya/-

U		T	
---	--	---	--